

EXHIBIT B



U.S. Department of Justice

Carmen M. Ortiz
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

October 3, 2013

Robert M. Griffin, Esq.
DharLaw LLP
Two Atlantic Avenue, 4th Floor
Boston, MA 02110
(617) 880-6155

Re: United States v. Edward J. MacKenzie, Jr.
Criminal No. 13-CR-10149 (FDS)

Dear Mr. Griffin:

Pursuant to Fed. R. Crim. P. 16, Rules 116.1(C) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, and our continuing obligations, we write to provide you with additional discovery. We do not enclose herein all of the voluminous records in this case – which, of course, are available for your inspection¹ – but instead, to facilitate your review, we have organized the primary documentary evidence to track the allegations in the Indictment.

Accordingly, enclosed herein on a CD at Bates Nos. 000498 – 002502 is the following material:

- “BSNJ Inc.” Sovereign Bank Documents (April – September 2006): records related to the “BSNJ Inc.” Sovereign Bank account opened in connection with the check stealing mail fraud scheme described in the Indictment, Bates Nos. 000498 – 000561;
- “BVC Trust” Sovereign Bank Documents (2006 – 2011): records related to the “BVC Trust” Sovereign Bank account opened in connection with the check stealing mail fraud scheme described in the Indictment, Bates Nos. 000562 – 000929;
- Courmac Realty Trust Documents (2004 -2010): records related to the “Courmac Realty Trust” entity described in the Indictment, Bates Nos. 000930 – 001737;

¹ As indicated in our July 3, 2013 letter, an index of business records was provided to you at Bates Nos. 000495 - 000497.

- Fillabuster Catering Trust Documents (2006 – 2012): records related to the “Fillabuster Catering Trust” entity described in the Indictment, Bates Nos. 001738 – 002267;
- Miscellaneous Documents: records related to BSNJ and BVC by-laws and meeting minutes, Church Council meeting minutes, Edward MacKenzie’s employment contract, a loan note to Edward MacKenzie, MacKenzie’s 2006 and 2007 federal tax returns, documents regarding the Church’s tuition program, documents regarding loans to Thomas Kennedy, and other miscellaneous materials, Bates Nos. 002268 – 002313;
- Racketeering Act 1: records related to the Space Propulsion wire fraud, Bates Nos. 002314 – 002322;
- Racketeering Act 2 and Count 3: bank records related to the college tuition mail fraud, Bates Nos. 002346 - 002352;
- Racketeering Act 3 and Count 4: bank records related to the check-stealing mail fraud described in the Indictment, Bates Nos. 002353 - 002404;
- Racketeering Act 4 and Count 5: records related to the “Fillabuster Catering Trust” money laundering conspiracy described in the Indictment, Bates Nos. 002405 - 002413;
- Racketeering Act 5: records related to the Plumber #1 commercial bribery described in the Indictment, Bates Nos. 002414 - 002422;
- Racketeering Act 6: records related to the Floorer #1 commercial bribery described in the Indictment, Bates Nos. 002423 - 002474;
- Racketeering Act 7: records related to the Aquarium Owner commercial bribery described in the Indictment, Bates Nos. 002475 - 002489;
- Racketeering Act 8: records related to the Carpenter #1 commercial bribery described in the Indictment, Bates Nos. 002490 - 002492;
- Racketeering Act 9: records related to the Carpenter #2 commercial bribery described in the Indictment, Bates Nos. 002493 - 002502;
- Racketeering Acts 11 and 12 and Counts 7&8: records related to the boiler replacement wire fraud and commercial bribery described in the Indictment, Bates Nos. 002323 - 002330;
- Racketeering Acts 13 and 14 and Counts 9-13: records related to the booster pump wire fraud and commercial bribery described in the Indictment, Bates Nos. 002331 - 002341;
- Racketeering Act 15 and Count 14: e-mail related to the Painter #1 wire fraud described in the Indictment, Bates No. 002342;

- Racketeering Act 16: records related to the Painter #1 commercial bribery described in the Indictment, Bates Nos. 002343 – 002345.

As we noted in our July 3, 2013 letter, on or about May 1, 2013, in response to being contacted by the defendant, [REDACTED] made a recorded telephone call to your client. The audio recording of that conversation is enclosed herein on a separate CD labeled, “May 1, 2013 Recorded Conversation between Edward MacKenzie and [REDACTED].”

As set forth in our July 3, 2013 automatic discovery letter, the government is aware of its continuing duty to disclose newly discovered additional evidence or material that is subject to discovery or inspection under Local Rules 116.1 and 116.2(B)(1) and Rule 16 of the Federal Rules of Criminal Procedure, and will continue to produce such material as is required.

The government again requests reciprocal discovery pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure and Local Rule 116.1(D).

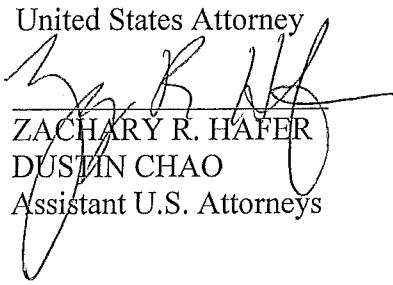
The government again demands, pursuant to Rule 12.1 of the Federal Rules of Criminal Procedure, written notice of the defendant’s intention to offer a defense of alibi. The times, dates, and places at which the alleged offenses were committed are set forth in the Indictment.

Please call the undersigned Assistant U.S. Attorney at (617) 748-3106 if you have any questions.

Very truly yours,

CARMEN M. ORTIZ
United States Attorney

By:


ZACHARY R. HAVER
DUSTIN CHAO
Assistant U.S. Attorneys

enclosures